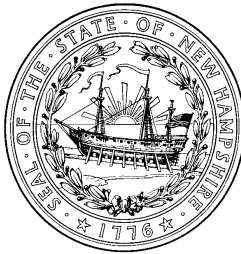


BRUCE J. FRIEDMAN, M.D.  
*President*

JAMES G. SISE, M.D.  
*Vice President*



CYNTHIA S. COOPER, M.D.  
JAMES H. CLIFFORD, M.D.  
PAUL J. SCIBETTA, JR., D.O.  
KEVIN R. COSTIN, PA-C  
MARY S. NELSON, PUBLIC MEMBER  
JUDITH E. DICKINSON, PUBLIC MEMBER

## New Hampshire Board of Medicine

2 INDUSTRIAL PARK DRIVE, SUITE 8, CONCORD, NH 03301-8520

Tel. (603) 271-1203 Fax (603) 271-6702

TDD Access: Relay NH 1-800-735-2964

WEB SITE: [www.state.nh.us/medicine](http://www.state.nh.us/medicine)

# NEWSLETTER

News Editor: Penny Taylor, Administrator

**WINTER, 2006**

### **BOARD NEWS:**

#### **Election of Officers:**

At the December, 2005 meeting the Board elected officers for the coming year. Bruce J. Friedman, M.D. of Etna was re-elected as President and James G. Sise, M.D. of Keene was elected as Vice President and Chairman of the Medical Review Subcommittee (MRSC).

#### **Personnel**

The Board would like to thank Dana Merrithew, M.D. of Rumney, NH who served on the Medical Review Subcommittee from February 1995 through May 1997 and on the Board of Medicine from May 1997 through August 1999. From August 1999 through August 2005 Dr. Merrithew served as the Physician Administrator to the Medical Review Subcommittee. He will be greatly missed.

The Board would like to welcome:

Douglas M. Black, M.D. of Concord has entered into a two-year contract with the Board for the part-time position of Physician Administrator to the MRSC.

Patricia A. Waldvogel of Loudon, New Hampshire as the new public member on the MRSC.

Muriel Lariviere, who joined the Board staff in August, 2004. Muriel has just become a full-time employee in September, 2005.

## **IMPORTANT NOTICE TO ALL PHYSICIANS:**

Sexual misconduct with a patient as of 2004 is BY NH LAW a felony subject to prison or other punishment. This is a criminal issue and separate from any Board sanction. RSA 632-A:2, I states, "A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances:...(g) When the actor provides therapy, medical treatment or examination of the victim and in the course of that therapeutic or treating relationship or within one year of termination of that therapeutic or treating relationship: (1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or (2) Uses this position as such provider to coerce the victim to submit."

## **MEDICAL REVIEW SUBCOMMITTEE**

The Medical Review Subcommittee ("MRSC") is a committee composed of 5 physicians, 1 public member and the Vice President of the Board of Medicine, who serves as the Chairman. Also attending the meetings, but not voting, is an investigator assigned to the Board, the Physician Administrator/Investigator, two Assistant Attorney Generals from the Administrative Prosecutions Unit ("APU") of the Consumer Protection and Anti-Trust Bureau, and the recording secretary. The Committee investigates all complaints including those received from consumers, hospitals, physicians, professional societies and insurance companies. The Committee also reviews all claims and writs. The MRSC is charged with the responsibility to investigate impartially and to complete a thorough review of the applicable medical records, other pertinent information, and the physician response. At the conclusion of the investigation the MRSC makes recommendations to the Board which the MRSC feels will ensure a high quality of medical care for the citizens of New Hampshire. If a disciplinary action is recommended, it is referred to the APU for attempted resolution.

All recommendations whether it's a Notice of Hearing, a Settlement Agreement, a Letter of Concern, or an opinion that no further action be taken, go to the Board for review and final approval. The Board acts as it deems appropriate in any and every instance. The recommendations of the MRSC and any agreement made with the licensees are proposals for the Board's consideration and are not binding until such proposals are acted on and issued by the Board.

In order to maintain appropriate separation of the Board's adjudicatory and investigatory functions, the Board cannot review a pending matter until the investigation is completed and the proposed resolution is provided to the Board for its review.

## **STRATEGIES FOR ASSESSING AND MONITORING PAIN MEDICATION**

One of the many challenges in treating chronic pain is assessing and monitoring the use of prescribed medications. Many patients who complain of pain are seeking relief from disabling or unbearable discomfort. However, some individuals seek drugs to cope with an addiction or to sell illegally. Treating the above patients can present a difficult challenge to the physician and physician assistant.

The Federation of State Medical Boards ("FSMB") developed guidelines for the use of controlled substances in the management of chronic pain. Years ago, the Board adopted similar guidelines and sent copies to all New Hampshire licensees. The guidelines were to establish an optimal standard of practice, show proper evaluation and continued documentation for ongoing use of controlled drugs in treating patients with chronic pain.

At times, physicians and physician assistants under-treat chronic pain for fear of discipline from regulatory agencies. However, if the pain management guidelines are followed, the chance of potential disciplinary action is greatly reduced.

You can employ several strategies to manage interactions with patients who you feel may be drug-seekers. These include contacting past providers and pharmacies to confirm information provided by new patients. It is important to educate the patients about their medications, including expected effects, dosage schedule and potentially addictive qualities. The use of pain control contracts outline treatment goals and verify the patient's understanding of risks, benefits and personal expectations of drug therapy. It is advisable to schedule regular follow-up office visits to monitor the effectiveness of the treatment regime. Strange behavior suggests drug abuse. One should write prescriptions for the exact amount needed until the next visit. Consider the use of periodic urine toxicology screens to evaluate treatment compliance. Also consider referral to pain management specialists for additional evaluation and treatment. We encourage all physicians and physician assistants to review these guidelines and to adhere to them in managing patients on chronic opioid therapy. This article was prompted by a number of recent complaints the Board has received with regards to opioid prescriptions and potential abuse.

### **BOARD ACTIONS:**

The following final board actions were taken by the Board in 2005.

#### **Noboru Murakami, M.D. Gilford, NH**

1/10/05 - The Board of Medicine entered into a Settlement Agreement with Dr. Murakami for professional misconduct regarding medical record keeping. Dr. Murakami was Reprimanded and assessed an administrative fine in the amount of two thousand dollars. Dr. Murakami was required to take a risk management course that covers medical documentation.

#### **James S Jealous, D.O. North Woodstock, NH**

2/3/05 - The Board of Medicine issued a Consent Order for Dr. James S. Jealous. Respondent's license to practice medicine in the State of New Hampshire was permanently revoked. Respondent engaged in a personal relationship with the patient which after a time included sexual contact.

#### **Joseph E. Nossiff, M.D. Newington, NH**

2/7/05 - The Board of Medicine entered into a Settlement Agreement with Dr. Joseph E. Nossiff. The Board was made aware of a claim filed against the respondent for an alleged delay in diagnosis of melanoma. The Board found that Dr. Nossiff violated RSA 329:17, VI(d). Dr. Nossiff was reprimanded. Dr. Nossiff was required to participate in an additional 20 hours of continuing medical education. Some portion of the hours were to include the recognition of and procedures for the diagnosis of melanomas and other pathological screening practices.

#### **Pamela Gonzalez, M.D. Lebanon, NH**

5/4/05 – The Board of Medicine issued a Consent Order. Dr. Gonzalez' resident training license was suspended commencing January 28, 2005 and until further order of the Board. Dr. Gonzalez violated the terms of her NHPHP contract by testing positive in a random alcohol screening and by missing scheduled alcohol screenings.

**Richard K. Hacker, M.D. Peterborough, NH**

6/3/05 – The Board issued an Order Lifting Restriction of License. The Board found that Dr. Hacker complied with all provisions of the August 11, 2003 Settlement Agreement and found that it was appropriate to lift the restrictions on his license.

**Andrew Horrigan, M.D. White River Jct. VT**

6/6/05 - The Board of Medicine entered into a Settlement Agreement with Dr. Horrigan. The Board found that Dr. Horrigan was suspended from a resident training program for self-prescribing under a false name. Dr. Horrigan was reprimanded and assessed an administrative fine in the amount of \$1,500.00. His license was suspended for a period of three months and he was to immediately enter into the PHP program.

8/17/05 – The Board of Medicine issued an Order Lifting Suspension of License. Dr. Horrigan complied with all relevant provisions of the June 6, 2005 Settlement Agreement regarding lifting the suspension of his resident training license in New Hampshire. All other provisions of the June 6, 2005 Settlement Agreement remain in effect.

**Michael S. Huffman, M.D. Hollis, NH**

6/6/05 - Dr. Huffman entered into a Settlement Agreement with the Board of Medicine. The Board received information relating to Dr. Huffman's prescribing practices, professional conduct and manner of speaking during office visits, his personal health concerns and his practice relating to providing medical treatment records to patients and former patients. Dr. Huffman was reprimanded and assessed an administrative fine in the amount of \$1,000.00, which was suspended for a period of two years provided he complies with all conditions of the Settlement Agreement. His medical and health care shall be monitored by the Board. Dr. Huffman was also required to participate in a program of 20 hours of continuing medical education in the areas of prescribing practices, chronic pain management, medical practice, and ethics.

**David J. Schopick, M.D. Portsmouth, NH**

6/6/05 - Dr. Schopick entered into a Settlement Agreement with the Board of Medicine. Dr. Schopick engaged in unprofessional misconduct by his failure to maintain an appropriate physician/patient boundary and by his failure to maintain appropriate treatment records. Dr. Schopick was reprimanded and assessed an administrative fine in the amount of \$1,000.00. He was required to engage in supervision meetings with a board certified psychiatrist for a period of one year. Dr. Schopick was required to participate in 40 hours of continuing medical education, with 20 hours related to establishing appropriate boundaries and avoiding boundary violations in the physician/patient relationship and 20 hours of which relates to the area of diagnosis and treatment of bipolar disorder.

**William J. Monafo, M.D. Peterborough, NH**

6/6/05 - Dr. Monafo entered into a preliminary agreement with the Board of Medicine. Professional misconduct allegations are pending before the NH Board and the Commonwealth of Massachusetts Board of Registration in Medicine. Dr. Monafo had entered into a voluntary agreement with the Massachusetts Board not to practice medicine in the Commonwealth of Massachusetts. Dr. Monafo agreed to abide by the same restriction on his practice of medicine in the State of New Hampshire. This restriction shall remain in place until Massachusetts and New Hampshire issue administratively final orders resolving pending allegations.

**Douglas R. Howard, M.D. Melrose, MA**

6/6/05 - Dr. Howard entered into a preliminary agreement with the Board of Medicine. Professional misconduct allegations are pending before the NH Board and the Commonwealth of Massachusetts Board of Registration in Medicine. Dr. Howard voluntarily agreed not to practice medicine in the State of New Hampshire based upon the allegations of misconduct connected with his arrest in the commonwealth of Massachusetts for possession and sale of the controlled drug, Oxycontin. This restriction shall remain in place until Massachusetts and New Hampshire issue administratively final orders resolving pending allegations.

**Romauld N. Sluyters, M.D. Bedford, NH**

7/7/05 - The Board of Medicine issued an Order of Emergency License Suspension and Notice of Hearing to Dr. Sluyters. The Board had received information alleging that Dr. Sluyters engaged in a romantic and sexual relationship with a patient, and that he created inaccurate medical documentation relating to said patient. The Board has voted that these allegations warrant the temporary suspension of Dr. Sluyters' license to practice medicine pending a hearing.

**Souhail A. Asfour, M.D. Dephne, AL**

07/11/05 - Dr. Souhail A. Asfour, M.D. entered into a Settlement Agreement with the Board of Medicine. The Board found that Dr. Asfour altered a patient's pre-operative medical records after surgery. Dr. Asfour was reprimanded.

**Richard B. Hawkins, M.D. Hollis, NH**

07/11/05 - Dr. Richard B. Hawkins, M.D. entered into a Settlement Agreement with the Board of Medicine. The Commonwealth of Massachusetts Board of Registration in Medicine revoked Dr. Hawkins' Massachusetts license after finding that Dr. Hawkins engaged in sexual misconduct with two female patients. The New Hampshire Board of Medicine is imposing reciprocal disciplinary action. Dr. Hawkins license was revoked.

**Herb T. Meyer, D.O. Danville, NH**

07/12/05 - Dr. Herb T. Meyer, D.O. entered into a Settlement Agreement with the Board of Medicine. The Board received information relating to his prescribing practices and medical treatment record maintenance. Dr. Meyer shall participate in a global assessment of his ability and skills as a physician by the Center for Personalized Education for Physicians and he shall comply with any measures as CPEP may recommend to him.

**Alan M. Stein, M.D. Hooksett, NH**

07/12/05 - Dr. Alan Stein, MD entered into a Settlement Agreement with the Board of Medicine. The Board received information relating to allegations of professional misconduct in the performance of a sigmoidoscopy. Dr. Stein was reprimanded and assessed an administrative fine in the amount of \$1,000.00. Dr. Stein was also required to participate in a program of 20 additional hours of continuing medical education in the areas of diagnosis of colon cancer and appropriate use of colonoscopy and sigmoidoscopy as diagnostic tools.

**Moo K. Kim, M.D. Framingham, MA**

07/12/05 - Dr Moo K. Kim, M.D. entered into a Settlement Agreement with the Board of Medicine. Dr. Kim was convicted of two felony charges and one misdemeanor charge relating to indecent assault and battery of a female patient. Dr. Kim's license to practice medicine in the state of New Hampshire was indefinitely suspended pursuant to the same terms and conditions set forth in the "Statement of Allegation, Consent Order and Probation Agreement" issued by the Massachusetts Board of Registration in Medicine.

**Donald R. McGee, M.D. Seabrook, NH**

07/22/05 - Donald R. McGee, M.D. entered into a Preliminary Agreement for Practice Restrictions. Dr McGee voluntarily agreed not to practice medicine, not to write prescriptions, and not to treat or see patients in the State of New Hampshire until such time as he has contracted with the New Hampshire Physician's Health Program.

**Greg R. Thompson, M.D. - Plaistow, NH**

8/9/05 - Greg R. Thompson, M.D. entered into a Settlement Agreement with the Board of Medicine. The Board received information relating to Dr. Thompson's prescription practices and documentation thereof. Dr. Thompson was reprimanded and his license to practice medicine was restricted to the practice of general psychiatry, not to include the treatment of chronic pain.

**David M. Cheney, M.D. – Baxley, GA**

8/17/05 - The Board of Medicine issued an Order Lifting Restrictions on Laparoscopic Surgery. Dr. Cheney had complied with the provisions of the January 15, 2004 Settlement Agreement in regards to laparoscopic surgery and finds that it is appropriate to lift the restriction at this time. The restriction on Dr. Cheney's license with regard to colonoscopies shall continue until further order of the Board.

**David I. Victor, M.D. – Lexington, MA**

9/15/05 - David I. Victor, M.D. entered into a Second Preliminary Agreement with the Board of Medicine. Dr. Victor shall withdraw from the practice of medicine in the State of New Hampshire for 93 days effective August 8, 2005. Dr. Victor had agreed that the terms of the first Preliminary Agreement and the practice restrictions outlined therein shall resume should he return to practice in November of 2005 and that they shall remain in place until such time as the Massachusetts and New Hampshire Boards issue final orders resolving the allegations of professional misconduct currently pending before the Boards.

12/15/05 - Dr. David I. Victor entered into a Third Preliminary Agreement with the Board of Medicine. Dr. Victor shall withdraw from the practice of medicine in the State of New Hampshire until January 18, 2006. Dr. Victor had agreed that the terms of the first Preliminary Agreement and the practice restrictions outlined therein shall resume should he return to practice in January 2006 and that they shall remain in place until such time as the Massachusetts and New Hampshire Boards issue final orders resolving the allegations of professional misconduct currently pending before the Boards.

**Sankar N. Banerjee, M.D.**

10/18/05 – The Board of Medicine issued an Order Denying Second Application for License Reinstatement to Sankar Banerjee, M.D. The Board found, among other findings, that Dr. Banerjee has not met his burden under Med Rule 301.04(e) to persuade the Board that actions which were the basis for the original disciplinary action have been satisfactorily remediated or that he has met all the competency requirements of an applicant for initial licensure.

**Peter Loeser, M.D. Concord, NH**

12/13/05 - Dr. Peter Loeser entered into a Settlement Agreement with the Board of Medicine. The Board received information from Dr. Loeser that he had been arrested and charged with sexual assault. Dr. Loeser was reprimanded. Dr. Loeser's license was suspended for a period of five years; the suspension commenced on August 26, 2004 (dated of Order of Emergency Suspension). Dr. Loeser shall obtain a psychological evaluation on boundary issues and general mental health within 90 days. Dr. Loeser was assessed an administrative fine in the amount of \$3, 000.

**Henry A. Lewis, M.D. Santa Fe, NM**

12/13/05 - Dr. Henry Lewis entered into a Settlement Agreement with the Board of Medicine. The Board received a copy of a Consent Decree and Order containing Dr. Lewis' agreement to pay a civil fine without an admission of liability in response to the federal government's investigation of Medicare payments made to Dr. Lewis' medical practice as reimbursement for the medications Lupron and Zolodex. Dr. Lewis failed to indicate, as required on his license renewal application, that he had been the 'subject of an investigation.' Dr. Lewis was reprimanded.

**Erol Onel, M.D. - Boston, MA**

12/13/05 - Dr. Erol Onel entered into a Preliminary Agreement for Practice Restrictions. Dr. Onel recognizes that professional misconduct allegations are now pending against him before the NH Board and the Massachusetts Board of Registration in Medicine. Dr. Onel voluntarily agreed not to practice medicine in the State of New Hampshire until such time as the Massachusetts and the New Hampshire Boards issue administratively final orders resolving the allegations of professional misconduct currently pending before the Boards.

---

The Board has also issued 47 confidential letters of concern, pursuant to RSA 329:17, VII-a, from January 1, 2005 through December 31, 2005. These letters advise the licensee that while there is insufficient evidence to support disciplinary action, the Board believes the physician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the Board may result in action against the licensee's license. These letters are not released to the public or any other licensing authority, except that the letters may be used as evidence in subsequent disciplinary proceedings by the Board. 147 consumer complaints, 169 writs from the Courts, 45 malpractice claims and 46 complaints from other sources were received during that time frame.

- **The Board office is at times called about requests for further details about certain disciplinary actions. All Orders are public documents and may be obtained by calling the Board office at (603) 271-1203. There is a fee of \$0.25 per page for all Orders.**